

GLENN A. HOSS

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5772]

The Committee on Claims, to whom was referred the bill (H. R. 5772) for the relief of Glenn A. Hoss, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1928, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1928, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5772) for the relief of Glenn A. Hoss, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Line 5, strike out "\$1,500 to Mr. and Mrs." and insert in lieu thereof "\$500 to".

Line 8, strike out the words "property damage and".

Line 10, strike out "Mr. and Mrs. Hoss were" and insert in lieu thereof "he was".

Amend the title so as to read: "A bill for the relief of Glenn A. Hoss."

The purpose of the proposed legislation is to pay to Mr. Glenn A. Hoss, of Hot Springs, N. Mex., the sum of \$500 for personal injuries sustained on September 12, 1939, when the automobile which he was driving was crushed by a tree felled by employees of the Work Projects Administration.

STATEMENT OF FACTS

On September 12, 1939, Mr. and Mrs. Glenn A. Hoss, accompanied by their son, Glenn A. Hoss, Jr., were driving along the Sandia Crest Drive, near Bernalillo, N. Mex. Employees of the Work Projects Administration were engaged in cutting down a tree near the edge of the road; although it was their intention to fell the tree in the direction away from the road, it was permitted to fall across the road, striking the passing automobile driven by Mr. Hoss; that as a result of the accident Mr. Hoss was examined by Dr. C. A. Mozley, who found that he was suffering from bruises about the head and great tenderness about the neck and back, caused by strain of the tendons that attach to the vertebra, especially the

joint connecting the seventh vertical with the first dorsal vertebra. Dr. Mozley concluded that this condition has and will disable this man for an indefinite time, which time can hardly be estimated.

The Work Projects Administration, in a report dated June 12, 1940, after reporting on the facts of the case, recommend against the words, "property damage," as shown in line 8, and the Administration concluded that there is no valid basis for any allowance to Mrs. Hoss for physical disability, and recommend the enactment of the proposed legislation in an amount to compensate Mr. Hoss for such injuries, and for a reasonable charge for Dr. Mozley's two examinations.

Accordingly, your committee has stricken from the bill the two objections raised by the Administration and has reduced the amount payable to Mr. Hoss from \$1,500 to \$500. Appended hereto is the report of the Work Projects Administration, together with other pertinent evidence.

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., June 12, 1940.

HON. AMBROSE J. KENNEDY,
Chairman, Committee on Claims, House of Representatives.

MY DEAR MR. KENNEDY: Your records will disclose your communication of May 21, 1940, and my acknowledgment of May 24, 1940, relative to H. R. 9673, a bill for the relief of Mr. and Mrs. Glenn A. Hoss.

The Administration's report is as follows:

The bill proposes to appropriate to Mr. and Mrs. Glenn A. Hoss, of Hot Springs, N. Mex., the sum of \$1,000, in full settlement of all claims against the United States for property damage and physical disabilities incurred on September 12, 1939, when the automobile in which Mr. and Mrs. Hoss were riding was crushed by a tree felled by employees of the Work Projects Administration near Bernalillo, N. Mex.

It appears that, on September 12, 1939, Mr. and Mrs. Glenn A. Hoss, accompanied by their son, Glenn A. Hoss, Jr., were driving along the Sandia Crest Drive, near Bernalillo, N. Mex.; that employees of the Work Projects Administration were engaged in cutting down a tree near the edge of the road; that, although it was intended to fell the tree in the direction away from the road, it was permitted to fall across the road; and that it struck the passing automobile owned by Mr. Hoss.

As a result of the accident, Mr. Hoss presented a claim to this Administration in the sum of \$467.43, representing damage to his automobile in the sum of \$417.43 and personal injuries to himself in the sum of \$50. Inasmuch as there existed no provision of law authorizing the Administration to consider claims for personal injuries to third parties, that part of the claim for personal injuries could not be entertained. However, the remainder of the claim for damage to the automobile was favorably determined by the Administration under section 26 of the Emergency Relief Appropriation Act of 1939 (53 Stat. 927), on the ground that the accident was caused by the negligence of its employees. It was found that the property damage sustained by Mr. Hoss amounted to \$143.09, and Mr. Hoss accepted this sum in full settlement of his claim. A check in payment thereof was issued by the United States Treasury on May 14, 1940.

Section 26 of the Emergency Relief Appropriation Act of 1939, *supra*, provides that acceptance by a claimant of the amount "allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive." It is believed that by so providing the Congress intended the settlement of a property damage claim between the Administration and a claimant to be final. Accordingly, the Administration recommends against the allowance of any amount for such property damage as is provided for in the present bill and suggests that, in line 8 of the bill, the words "property damage and" be deleted therefrom.

With respect to the personal injuries to Mrs. Hoss, the only reference in the Administration's file to any ill effects that she may have sustained as a result of the accident is contained in a statement of Mr. Hoss, dated September 12, 1939, the date of the accident, in which he says that "Both myself and Mrs. Hoss suffered from severe shock." However, in a letter of February 28, 1940, to the Honorable John J. Dempsey, Member of Congress, a copy of which was furnished by the latter to the Administration, Mr. Hoss states that " * * * I was hurt and my wife has not been well since; sick now in Albuquerque under care of Dr. Cornish." Nevertheless, since it appears that, although Mr. Hoss was treated on the date of the accident by a Dr. C. A. Mozley, of Bernalillo, N. Mex., and Mrs. Hoss

did not receive medical attention at this time, and since no evidence has been submitted to this Administration to prove either the nature of Mrs. Hoss' illness or injuries, or that the services of Dr. Cornish were required as a result of injuries or illness brought about by the accident, the Administration is constrained to conclude that no valid basis has been established for any allowance to Mrs. Hoss for physical disability.

In connection with his own injuries, Mr. Hoss states, in the statement mentioned above, that "The top of the cab struck me on top of the head, jamming my head down between my shoulders. * * * Shoulders and spinal column bruised but no serious damage. Dr. Mozley will care for me." A medical report from Dr. C. A. Mozley, dated September 25, 1939, is submitted, in which he states that he examined Mr. Hoss "on the day of the injury and once after that time. There were some bruises about the head and great tenderness about the neck and back caused by a strain of the tendons that attach to the vertebrae, especially the joint connecting the seventh cervical with the first dorsal vertebrae. This condition has and will disable this man for an indefinite time which can hardly be estimated at this time, \$50." In a postscript, Dr. Mozley adds that "At the first examination there was some evidence of slight concussion of the brain." It may be noted that the statement of Mr. Hoss referred to above was signed by him on September 12, 1939, the day of the accident. Examination of this statement discloses that it was typewritten on a letterhead of the Administration and dated at Albuquerque, N. Mex. It is clear, therefore, that Mr. Hoss was able to attend to the filing of a statement and claim on the day of the accident. Furthermore, while Dr. Mozley reports only some bruises about the head and great tenderness about the neck and back, he concludes that this condition will disable Mr. Hoss for an indefinite time. The Administration is unable to understand this conclusion, especially since Mr. Hoss, in his statement of September 12, 1939, admits that he sustained no serious injury. Finally, since Dr. Mozley states that he examined Mr. Hoss on the day of the injury and only once after that, his bill in the sum of \$50 appears to be excessive. Upon the evidence, therefore, the Administration is of the opinion that minor personal injuries were occasioned to Mr. Hoss as a result of the negligence of its employees in failing to take precautions to safeguard passing motorists while felling a tree, and, accordingly, it recommends the enactment of the proposed legislation in an amount to compensate Mr. Hoss for such injuries and for the reasonable charge for Dr. Mozley's two examinations.

There are enclosed herewith photostatic copies of the statement of September 12, 1939, from Mr. Hoss, and Dr. Mozley's report dated September 25, 1939.

Sincerely yours,

CORRINGTON GILL,
Assistant Commissioner.

APRIL 11, 1940.

Congressman JOHN J. DEMPSEY,
Congress of the United States of America,
Washington, D. C.

Hon. JOHN J. DEMPSEY: In relation to my claim for loss of, or damage to, property, wish to explain my accident which occurred September 12, 1939, on the Rim Drive, Sandia Mountains, just above Bernalillo, N. Mex. Amount of the claim, \$467.43; claim No. 765-85-1-15. While driving toward top of mountain was stopped by signalman of crew of Spanish laborers of the Work Projects Administration, engaged in felling trees. After they had sawed tree, which was laying across the highway, in two, rolled logs off highway, the crew signalled, the signalman told me to go ahead as the road was clear. My son, Dr. Glenn Arthur Hoss, Jr., of 1804 West Congress Street, Chicago, Ill., who was visiting us at the time, jumped into rumbleseat of car as we were once more proceeding upward on the road, suddenly yelled, "Look out, Dad," and jumped from the car. Mrs. Hoss and I sitting in front seat, were unable to get out of the car in time to escape the tree, 70 feet long, 18 inches in diameter, fell across the car, resulting in total damage to car so far as future usage was concerned. Only by miracle were Mrs. Hoss and I spared instant death. I was injured in accordance with physician's report enclosed in this letter. It may be nearly a year before I am able to take full-time work as result of this accident. Mrs. Hoss received severe nervous shock which has caused a vast deal of trouble and expense. To date, have received no settlement from the Work Projects Administration in relation to the damage to both car and our persons as result of the accident.

There is no possible way by which the damage to our persons may be measured. Already afflicted so seriously, the general shock to my physique, the injury to my head; the general shock to my wife at her age, are things hard to measure. I do feel that I am not asking too much, but am very considerate and mild in suggesting that our personal damages are to the amount of an earning capacity of which I may be deprived because of the accident. To measure it outright in dollars and cents is difficult. Were I suing I should not think of asking for less than \$5,000, or, a monthly stipend in case I am totally disabled so far as earning a living is concerned. The least amount of outright cash that would clear up all expenses and indebtedness caused directly by this accident is \$650.

Thanking you earnestly for your kindness and help in this matter so vital to us, I remain,

Yours very truly,

GLENN A. HOSS.

P. S.—DEAR CONGRESSMAN DEMPSEY: Since writing this letter made a trip to Albuquerque to get copy of statements made by workmen, also Mrs. Hoss, my doctor, son, and myself. Was sent to Santa Fe to Mr. Zent's office claim adjuster. Mr. Zent out of town, but his stenographer told me all the original papers and statements were in Mr. William Linden, Work Projects Administration office. Office 1734 New York Avenue NW., Washington, D. C.

Thanking you for your interest and hoping this claim will be settled soon, I remain,

Yours very truly,

GLENN A. HOSS,
Hot Springs, N. Mex.

CHICAGO, ILL., May 6, 1940.

Re Rev. Glenn A. Hoss, Hot Springs, N. Mex.

Representative JOHN DEMPSEY.

*House of Representatives,
Washington, D. C.*

MY DEAR MR. DEMPSEY: As a graduate student of the University of Illinois, College of Medicine, 1940, I am writing to give you a few facts about the above-mentioned case which has been recently brought to your attention.

In the early part of September, 1939, I (Glenn A. Hoss, Jr.) with my parents, Rev. and Mrs. Glenn A. Hoss, then of Bernalillo, now of Hot Springs, N. Mex., made the trip up the Sandia Ridge Mountain Scenic Highway. Within sight of the summit, we were hailed by a group of Work Projects Administration workers who were cutting large timber along the sides of the highway. The flagman signaled us to stop, which we did. I then climbed out of the rumble seat where I had been riding to watch the men clear a large tree off the road. Receiving the sign to move on, Rev. G. A. Hoss put the car in gear and started on up the incline. At this instant, I heard a cracking noise to my right, and turned to see two men just completing the notching of a large tree. Before they had signaled the flagman, the tree started to fall over the highway. I called to my parents to stop the car and back up, and then realizing it was too late, turned and ran to avoid being pinned by the branches. The tree crashed over the cab of my father's car smashing down the driver's side and causing him to sustain a severe blow on the head. My mother suffered a severe shock.

My father apparently received a slight concussion (see statement of Dr. Mosley, M. D., of Bernalillo, N. Mex.). Since that time he has suffered great tenderness over the seventh cervical vertebra, experienced recurrent attacks of dizziness and fainting, and is extremely nervous and irritable. Apart from his physical suffering, he has been without the use of his car, which is his only means of transportation, since he is a cripple, and has had the burden of several trips to Albuquerque and Santa Fe at his own expense over the affair.

I greatly appreciate the kind interest you have taken in this case. My father has been greatly inconvenienced by the financial loss, to say nothing of the physical distress, in the face of an already acute financial condition. I have not been able to help much because of the burden of working my way through medical school. His only source of income is \$46 a month from an insurance policy, and his preaching nets about \$5 a week. He had not yet finished paying for his car when the accident occurred. He seems to be the obvious "victim of circumstances" as the foreman of the Work Projects Administration gang admits his men are at fault, and the elapse of 9 months, and still no adjustment, makes the burden increasingly

difficult. Anything you can do to bring about a speedy settlement which will cover his loss will be greatly appreciated, not only by myself, but by my father's many friends and relatives in New Mexico.

Very truly yours,

GLENN A. HOSS, Jr.

I, Glenn A. Hoss, Jr., do solemnly affirm that the foregoing statements are all true and correct.

GLENN A. HOSS, Jr.

Sworn to by Glenn A. Hoss, Jr., this 6th day of May 1940.

[SEAL]

C. B. SIMPSON, *Notary Public*.

My commission expires September 27, 1941.

WEST SUBURBAN HOSPITAL,
Oak Park, Ill., November 8, 1940.

Hon. JOHN J. DEMPSEY,

Congressman from New Mexico, Washington, D. C.

DEAR SIR: Re the case of Rev. Glenn A. Hoss, which has again come to your attention; formerly of Bernalillo, now of Garfield, N. Mex.:

Mr. Hoss, in company with his family, was driving up the Sandia Range above Albuquerque during the fall of 1939 when a large tree, being felled by the workers of a Federal reforestation program, fell across the cab of the car. At that time, the foreman, Mr. Mason, assumed full responsibility for the accident and promised to have action taken immediately as to necessary funds to cover damages. In the accident, my father, Rev. Mr. Hoss, received a slight concussion and since that time has complained of a severe neuritis due to an injury of the cervical region of the spine. My mother, Mrs. G. A. Hoss, suffered a severe nervous shock.

The car, a 1933 model Dodge, six-wheel side mounts, was demolished. Since that time my father has received from the Government a check for about \$120, as a settlement. This in no way covered cost of the damages, as the car could not be covered for under \$300.

Besides the inconvenience of being without transportation, the physical handicap is an added burden.

This is the second letter which you have received from me with regard to this accident. My father has spoken to you on numerous occasions seeking an adjustment. I am sure that you are well aware of the details of the accident having received from me previously a notarized statement with a snapshot of the accident. As one interested in the welfare of the people whom you represent you, no doubt, are anxious to see this matter taken care of. You have advised my father of a bill for \$1,000 which you have introduced into Congress as an adjustment. Will you kindly attend to this matter at your early convenience, as administrative changes taking place under a new Government regime will speak for a shelving of the bill. If this should happen, an innocent man will have been made a victim of unpredictable circumstances, and justice will most certainly be found wanting.

Thanking you for your consideration, I am

Very truly yours,

GLENN A. HOSS.

P. S.—I am serving an internship at above hospital and will take my State board examinations for M. D. in July of '41.

G. A. H.

Subscribed and sworn before me November 9, 1940.

[SEAL]

MARGERY LIVINGSTON.

BERNALILLO, N. MEX., September 25, 1939.

To Whom It May Concern:

This statement is made in reference to the case of Rev. Glenn A. Hoss of Bernalillo, N. Mex.

Mr. Hoss was recently injured while driving in the Sandia Mountains; said injury being caused by a tree falling on his car and the impact causing him to be caught under the car which was very badly damaged. I examined him on the

day of the injury and once after that time. There were some bruises about the head and great tenderness about the neck and back caused by a strain of the tendons that attach to the vertebra especially the joint connecting the seventh cervical with the first dorsal vertebra.

This condition has and will disable this man for an indefinite time which can hardly be estimated at this time.

Very respectfully,

C. A. MOZLEY, M. D.

P. S. At the first examination there was some evidence of slight concussion of the brain.

C. A. MOZLEY, M. D.

Sworn to and subscribed before me this 9th day of April 1940.

[SEAL]

RALPH GUTIERREZ, *Notary Public.*

My commission expires October 24, 1942.

STATE OF NEW MEXICO,

County of Sandoval, ss:

C. A. Mozley, being first duly sworn upon his oath states that Rev. Glenn A. Hoss was under my treatment for the results of an accident which happened September 12, 1939, in the Sandia Mountains. He was injured by a tree falling on his car while driving in the mountains. The tree was cut down by some Work Projects Administration men was the statement of Mr. Hoss at that time.

There was some concussion of the brain and great tenderness of the muscles of the neck and back, also bruises about the head, and also shock. A condition of nervous exhaustion persisted and still persists. There is still tenderness about the neck and back, especially about the seventh cervical vertebra. Mrs. Hoss who was with him at the time of the accident was also in a condition of nervous shock as a result of the accident. She at that time required the attention of a doctor. Since that time Mrs. Hoss has been under the care of a physician in Albuquerque. To my knowledge Mr. Hoss has lost quite a bit of time as a result of the accident.

C. A. MOZLEY, M. D.

Subscribed and sworn to before me this April 9, 1940.

[SEAL]

RALPH GUTIERREZ, *Notary Public.*

My commission expires October 24, 1942.

DR. C. A. MOZLEY,

Bernalillo, N. Mex., November 5, 1940.

To Whom It May Concern:

This certifies that on September 25, 1939, I made a statement in regard to the injury sustained by Mr. Glenn A. Hoss in which I stated: "Mr. Hoss was recently injured while driving in the Sandia Mountains, said injury being caused by a tree falling on his car which was very badly damaged. I examined him on the day of the injury and once after that time. There were some bruises about the head and great tenderness about the neck and back caused by a strain of the tendons that attach to the vertebrae, especially the joint connecting the seventh cervical with the first dorsal vertebra. This condition has and will disable this man for an indefinite time which can hardly be estimated at this time."

Today I have examined this man and have found the condition about the same as it was then. He has had a number of severe spells of headache no doubt caused by the injury and has to take aspirin or something similar to keep reasonably free from the headaches.

The wife of this man has also suffered from a nervous break-down, starting from the time of the accident. She was with him at the time and was very greatly shocked as a result. Mr. Hoss also suffered spells of weakness after I made my first statement. Mr. Hoss is a minister of the gospel.

C. A. MOZLEY, M. D.

